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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,184	02/13/2002	William M. Traut	66867-001-8	5310

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,184

Applicant(s)

WILLIAM TRAUT ET AL

Examiner

PHAM

Group Art Unit

1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-19 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craft et al (6,015,444; Abstract; 12, 16, 18, 20, 22, 60, 64, 80, 90, 97 & 98 in Fig. 4; col. 3, lines 42-65; col. 4, line 48 through col. 5, line 29).

Craft et al disclose a venting system including a conduit configured to convey gas therefrom comprising a leg configured to conceal a portion of, and convey gas from, the conduit, a leg closely received the conduit wherein the leg defines a passage configured to receive the

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conduit and wherein the conduit has an outlet that defines a first size and the passage has an inlet that defines a second size that is different from the first size and wherein the conduit is misaligned relative to the passage. Craft et al further disclose the vent comprising a filter for filtering gas conveyed through the passage. Craft et al also disclose a method of concealing a conduit configured gas from a venting system comprising the steps of sizing the conduit then mounting on the conduit a leg configured to convey gas from the conduit, interposing a coupling between the conduit and the passage and disposing a filter in the passage. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a venting system as taught by Craft et al to provide a venting breather for a system without allowing easy entry of external contaminants into the system.

3. Claims 8-12 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craft et al (6,015,444; Abstract; 12, 16, 18, 20, 22, 60, 64, 80, 90, 97 & 98 in Fig. 4; col. 3, lines 42-65; col. 4, line 48 through col. 5, line 29), as applied supra to paragraph 2 above, in view of Smith (6,237,279 B1; Abstract; 38 in Fig. 4; col. 2, lines 20-29 and line 61 through col. 3, line 12).

Claims 8-12 and 16-19 call for a fixture mounted on the leg and the fixture can be a bird bath basin, a gazing ball, a statue, a sun dial, a garden ornament and combinations thereof. Smith discloses a fixture mounted on the vent as a statue in the shape of an animal which is strictly for decorative purpose. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a fixture as taught by Smith in the venting system of Craft

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et al since the fixture is served as a landscaping device adapted to fit over the septic system covers and vents and look fully natural to an unsuspecting observer by blending into the landscaping.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Vross et al (6,022,389) disclose a system for removal of noxious fumes.
- Dietzler (4,596,491) discloses an internally reinforced extruded plastic pipe.
- Dietzler (4,650,367) discloses an internally reinforced extruded plastic pipe.
- Bjorn (5,733,271) discloses a valve device for absorption of the gas components.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 308-1605. The examiner can normally be reached on Monday-Friday (except Wednesday) from 7:15 a.m. to 5:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached on (703) 308-1972. The fax phone number for this Group is (703) 872-9310 (non-finals) or (703) 872-9311 (after-finals).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Minh-Chau Pham', with a stylized, cursive script.

Minh-Chau Pham

Patent Examiner

February 20, 2003